

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHRISTOPHER ARCHIBALD,	§	
	§	No. 686, 2009
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for New Castle County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 0512009840
Appellee.	§	

Submitted: June 11, 2010
Decided: August 24, 2010

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

ORDER

This 24th day of August 2010, upon careful consideration of the briefs on appeal and the Superior Court record, it appears to the Court that:

(1) On August 27, 2009, the appellant, Christopher Archibald, a probationer serving Level III probation,¹ was arrested after police and probation and parole officers found illegal drugs in his bedroom. Archibald was subsequently charged by indictment with Trafficking in Cocaine, Possession with Intent to Deliver Cocaine, Possession with Intent to Deliver

¹ In February 2006, Archibald pled guilty to Trafficking in Heroin, Cr. ID No. 0506023978 and Possession with Intent to Deliver Heroin, Cr. ID No. 0512009840 and was sentenced, on the trafficking conviction, to eight years at Level V suspended after three years for six months at Level IV, and on the possession with intent to deliver conviction to six years at Level V suspended for Level III.

Marijuana, Maintaining a Dwelling for Keeping Controlled Substances, Conspiracy in the Second Degree and Possession of Drug Paraphernalia.²

(2) As a result of his arrest, and because he was alleged to have been in possession of illegal drugs, an administrative warrant was filed alleging that Archibald was in violation of probation (VOP). After a VOP hearing on October 28, 2009, Archibald was found to have violated the terms of his probation and was sentenced. This appeal followed.

(3) In his opening brief, Archibald argues that the Superior Court found him guilty of VOP “on hearsay evidence only.” In the answering brief, the State contends that Archibald’s argument has been rendered moot as a result of his guilty plea on March 17, 2010, to Trafficking in Cocaine, one of the charges that formed the basis of the VOP.³ The State is correct. Archibald’s March 17, 2010 guilty plea to Trafficking in Cocaine supports the Superior Court’s finding that he violated the terms of his probation and renders this appeal from that adjudication moot.⁴

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland
Justice

² *State v. Archibald*, Del. Super., Cr. ID No. 0908025177.

³ *Id.* See docket at 18, 19 (Mar. 17, 2010) (regarding plea hearing and sentence).

⁴ *DeJesus v. State*, 977 A.2d 797, 799-800 (Del. 2009).